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June 12, 2012

VIA HAND DELIVERY

D.C. Board of Zoning Adjustment
Suite 210
441 4th Street, N.W.
Washington, D.C. 20001

Re: Board of Zoning Adjustment Application 18227-A (1700 New York Avenue, NW)
Prehearing Submission

Dear Members of the Board:

On behalf of the Corcoran Gallery of Art and Carr Properties, Inc., enclosed please find an unbound original and twenty copies of the prehearing submission in support of the above-referenced application for a modification to the parking variance approved in Board of Zoning Adjustment Case No. 18227.

Should you have any questions regarding this matter, please do not hesitate to have staff contact me.

Sincerely,

HOLLAND & KNIGHT LLP


Christine Moseley Shiker

Enclosures

cc: Karen Thomas, Office of Planning
Bryon J. White, DDOT
Advisory Neighborhood Commission 2A

(Via Hand Delivery; w/enclosure)
(Via Hand Delivery; w/enclosure)
(Via US Mail; w/enclosure)

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18227-A
EXHIBIT NO. 54
Board of Zoning Adjustment
District of Columbia
CASE NO. 18227
EXHIBIT NO. 54

**BEFORE THE BOARD
OF ZONING ADJUSTMENT
FOR THE DISTRICT OF COLUMBIA**

**APPLICATION OF THE
CORCORAN GALLERY OF ART
1700 NEW YORK AVENUE, NW**

BZA APPLICATION NO. 18227-A

HEARING DATE: JUNE 26, 2013
**Board of Zoning Adjustment
District of Columbia**

ANC 2A

CASE NO. 18227-A

EXHIBIT NO. 54

STATEMENT OF THE APPLICANT

**I.
NATURE OF RELIEF SOUGHT**

This statement is submitted on behalf of the Corcoran Gallery of Art and Carr Properties, Inc.¹ (the "Applicant") in support of its application to the Board of Zoning Adjustment for a modification to Board of Zoning Adjustment Order No. 18227 ("Order No. 18227") relating to the variance from the number of parking spaces required by Section 2101.1 of the Zoning Regulations. Order No. 18227 approved the following special exception and variance relief pursuant to 11 DCMR §§ 3103.2 and 3104.1: (i) a variance from Section 531.1 of the Zoning Regulations to increase the permitted FAR by 1,431.5 square feet of gross floor area (or 0.02 FAR); (ii) a variance to reduce the parking required by Section 2101.1 of the Zoning Regulations; (iii) a special exception to allow office use in the SP District pursuant to Section 508 of the Zoning Regulations; and (iv) a special exception for the roof structure to allow walls of unequal height pursuant to Section 411 of the Zoning Regulations. The requested relief that was approved in Order No. 18227 as well as the modification requested herein will permit an office building addition to the Corcoran Gallery of Art located at 1700 New York Avenue, NW (Lot 34, Square 171) (the "Site"). The proposed development continues to be appropriate for the

¹ The Corcoran Gallery of Art is the owner of the Site described herein. Carr Properties, Inc. is the developer of the Office Addition described herein and is the ground lessor and land contract purchaser of the Site.

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Site, fully compatible with the surrounding area, and not inconsistent with both the Comprehensive Plan and the Zoning Regulations.

II. **JURISDICTION OF THE BOARD**

The Board of Zoning Adjustment (the "Board") has jurisdiction to grant the modification to the approved variance relief requested herein pursuant to Sections 3103 and 3129 of the District of Columbia Municipal Regulations ("Zoning Regulations"). 11 DCMR §§ 3103 and 3129.

III. **BACKGROUND**

A. Description of the Site

The Site is located at Lot 34 in Square 171, which is bounded by New York Avenue to the north, 17th Street to the east, E Street to the south, and 18th Street to the west. The Site is located in the eastern half of the square and is zoned SP-2. The Site is irregularly shaped and contains approximately 68,231 square feet of land area. The Site is improved with the Corcoran Gallery of Art, a historic landmark, (the "Corcoran") and a small surface parking lot that serves the Corcoran. The Corcoran has an irregularly-shaped footprint, contains 125,545 square feet of gross floor area and occupies approximately 70% of the Site.

B. Procedural History

On April 8, 2011, the Applicant submitted an application ("BZA Case No. 18227") to the Board requesting the above-referenced variance and special exception relief. The Office of Planning submitted a report in support of the application. The District Department of Transportation submitted a report indicating that it had no objection to the requested variance to reduce the parking requirement. The Board held its public hearing on the application on June 21,

2011, and voted unanimously to approve the requested relief following the public hearing. A copy of the summary order approving the original application is attached at Exhibit B.

On March 23, 2012, the Applicant submitted a Request for a Minor Modification seeking to modify the number of parking spaces provided in the below-grade parking facility. At its public meeting on April 10, 2012, the Board determined that the request was not minor and requested that a limited-scope hearing be held to review the request. Accordingly, on April 12, 2012, the Applicant submitted this application requesting a modification to Order No. 18227 relating to the variance from the parking requirements.

C. Project Description

The exterior design and above-grade configuration has not changed since the project was presented to and approved by the Board at the June 21, 2011, public hearing. Specifically, the Applicant proposes to infill the existing surface parking lot to construct a new office building addition fronting on New York Avenue (the “Office Addition”). The Office Addition will be an eight-story building with a maximum height of 90 feet and will contain approximately 114,695.5 square feet of gross floor area devoted to office use. The Office Addition will be connected to and form a single building with the existing Corcoran. The design of the Office Addition is a primarily glass building, which is meant to provide an elegant backdrop to the stone Beaux Arts design of the Corcoran.

The Office Addition incorporates three levels of below grade space. The first level (B-1 level) will house additional office use while the second and third levels (B-2 and B-3 levels) will provide below-grade parking. Access to the parking levels will be provided by a one-way ingress ramp through an existing curb cut on E Street, while the egress ramp will discharge onto New York Avenue via a proposed new curb cut. The project continues to incorporate the same

number of levels of below-grade parking; however, due to the additional constraints and challenges discussed in detail below, the number of parking spaces that can be provided within those levels has been reduced.

IV.
THE APPLICANT MEETS THE TEST FOR
VARIANCE RELIEF TO REDUCE THE PARKING REQUIRED PURSUANT TO 11
DMCR § 2101.1 AND TO INCREASE THE PERMITTED FLOOR AREA RATIO
PURSUANT TO 11 DCMR § 531.1

A. Standards for Granting Area Variances

Under D.C. Code §6-641.07(g)(3) and 11 DCMR 3103.2, the Board is authorized to grant an area variance where it finds that three conditions exist:

- (1) the property is unusual because of its size, shape or topography or other extraordinary or exceptional situation or condition;
- (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and
- (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

See French v. District of Columbia Board of Zoning Adjustment, 658 A.2d 1023, 1035 (D.C. 1995) (quoting *Roumel v. District of Columbia Board of Zoning Adjustment*, 417 A.2d 405, 408 (D.C. 1980)); see also, *Capitol Hill Restoration Society, Inc. v. District of Columbia Board of Zoning Adjustment*, 534 A.2d 939 (D.C. 1987). As discussed below, the original parking variance met all three prongs of this test and this requested modification continues to meet all three prongs of this test.

B. Exceptional Conditions or Situations

In BZA Case No. 18227, the Applicant established that the Site is affected by several exceptional conditions due to its unique shape and size. With respect to the parking variance, the

Applicant presented evidence that the requested relief was necessary due to a combination of conditions, including (1) the irregular shape of the lot and the existing historic improvements; (2) the small size of the Site on which the Office Addition will be constructed; (3) the change in grade from north to south of almost nine feet; (4) the complexities of and limitation on excavation due to the adjacent historic building that has a gravel foundation that can be easily damaged; and (5) the existence of a GSA steam tunnel approximately 15 feet north of the Site and running parallel to the property line along New York Avenue. Based on this evidence, the Board concluded that the Applicant met its burden of proof for variance relief. In this modification application, these same site conditions lead to the further reduction in the number of parking spaces and are the basis for this current requested modification.

C. Variance from the Parking Requirements of Section 2101

Section 2101 of the Zoning Regulations requires that an office building within the SP-2 District provide one parking space for each 1,800 square feet, after the first 2,000 square feet. Based on the zoning compliant parking spaces currently provided for the Corcoran, parking is required as follows:

Office Use: $114,695.5 - 2,000 = 112,695.5 / 1800 = 62.6 = 63$ spaces

Corcoran: 20 spaces (based on existing zoning compliant spaces)

Total Parking Required: 83 parking spaces

When the Board originally reviewed and approved BZA Case No. 18227, the Office Addition incorporated 82 total parking spaces as follows: 43 zoning compliant spaces within private property; one compact space within private property; and 38 non-zoning parking spaces located within tandem and/or vault spaces. The Office Addition as now proposed incorporates only 72 total parking spaces as follows: 38 zoning compliant spaces within private property; one

compact space within private property; and 33 non-zoning parking spaces located within tandem and/or vault spaces. Accordingly, the Applicant submits this request for a modification to reduce the total number of parking spaces to be provided within the Office Addition.

The requested modification results from the confluence of site conditions and related practical difficulties that led to the original parking variance. Specifically, during the process of preparing the sheeting and shoring and building permit construction drawings, the architects and engineers have discovered that the conditions that limited the below-grade excavation and layout of the parking facilities are more difficult than previously thought. First, the GSA steam tunnel that runs down New York Avenue incorporates a 90-degree extension towards the property that limits excavation within a portion of the proposed vault space. This extension about which the Applicant did not previously know creates an additional practical difficulty. Specifically, because the Applicant is required to maintain a certain distance from the GSA steam tunnel, the parking garage must eliminate six proposed vault spaces to maintain that required distance from the GSA steam tunnel.

Second, the Applicant has slightly modified the area of excavation based on field conditions and final construction plans. Upon review of the construction plans, the permit reviewer interpreted the Building Code as requiring an additional egress stair to reduce the common path of travel distance from the far southwest corner - generally between the United Union's building and the Site - on the B-2 and B-3 levels. This additional stair required a redesign of a portion of the below-grade parking garage and is based on the irregular shape and small size of the Site. This change eliminated two zoning compliant parking spaces and one non-zoning space but also allowed for the addition of a compact space on the B3 level.

Finally, the eastern portion of the parking garage was reconfigured on the B-3 level as a result of changes to the ramping system required for a code compliant garage exhaust system and an expansion of the proposed sump pump system. Specifically, the orientation of the garage ramp was reversed in order to maintain code required clearances for vehicular traffic under the garage exhaust shaft. This reconfiguration resulted in the loss of three zoning compliant spaces and one compact space, but allowed for the addition of two non-zoning spaces.

The result is that the below-grade parking facility can now accommodate 38 zoning compliant spaces within private property, one compact space within private property, and 33 non-zoning parking spaces located within tandem and/or vault spaces. The approved plans and the proposed plans are attached at Exhibit H.

Relief can be granted without substantial detriment to the public and without substantially impairing the intent, purpose and integrity of the Zone Plan, as embodied in the Zoning Regulations and Map. The parking provided continues to be sufficient for the anticipated demand for the Office Addition. According to the memorandum from Gorove Slade attached at Exhibit C, the proposed parking supply of 72 spaces will adequately serve the parking demands of the Site which is well-served by various non-auto ridership options including multiple bus, rail and bike services and the Applicant will implement an effective Transportation Management Plan. Accordingly, there will be no detrimental impact on the public or on the Zone Plan.

V. COMMUNITY SUPPORT

The Applicant originally presented the project to the Advisory Neighborhood Commission 2A ("ANC 2A") at its regularly-scheduled public meeting on May 18, 2011. The ANC 2A voted 3-0-1 to support the application. The Applicant presented the requested modification - i.e., the reduction in the total number of parking spaces - to ANC 2A at its

regularly scheduled public meeting on March 21, 2012. The ANC voted 4-0-0 to support the requested modification. A copy of the letter of support from ANC 2A is attached at Exhibit D.

VI.
EXHIBITS SUBMITTED IN SUPPORT OF THE APPLICATION

- Exhibit A: A portion of the Zoning Map showing the Site;
- Exhibit B: Board of Zoning Adjustment Order No. 18227
- Exhibit C: Updated Traffic Impact Analysis prepared by Gorove Slade;
- Exhibit D: Letter of Support from Advisory Neighborhood Commission 2A;
- Exhibit E: Outline of Testimony of the Oliver Carr, Carr Properties, Inc.;
- Exhibit F: Outline of Testimony and Resume of Andrew Rollman, SmithGroup;
- Exhibit G: Outline of Testimony and Resume of Erwin Andres, Gorove Slade; and
- Exhibit H: Approved Plans and Proposed Plans for Below-Grade Parking Levels

VII.
WITNESSES

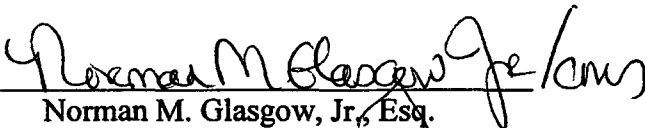
- A. Representative of Oliver Carr, Carr Properties, Inc.
- B. Andrew Rollman, SmithGroup
- C. Erwin Andres, Gorove Slade

VIII.
CONCLUSION

For the reasons stated above, the requested modification meets the applicable standards for variance relief under the Zoning Regulations. Accordingly, the Applicant respectfully requests the Board to grant the application.

Respectfully submitted,

HOLLAND & KNIGHT, LLP

By: 
Norman M. Glasgow, Jr., Esq.

By: 
Christine Moseley Shiker, Esq.

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